

UNITED STATES DISTRICT COURT
for
EASTERN DISTRICT OF NORTH CAROLINA
WESTERN DIVISION

U.S.A. vs. Ronnie Allen Smiling

Docket No. 5:06-CR-274-1F

Petition for Action on Supervised Release

COMES NOW Mindy L. Threlkeld, probation officer of the court, presenting a petition for modification of the Judgment and Commitment Order of Ronnie Allen Smiling, who, upon an earlier plea of guilty to 21 U.S.C. §841(a)(1), Possession with Intent to Distribute More Than Fifty (50) Grams of Cocaine Base (Crack), was sentenced by the Honorable James C. Fox, Senior U.S. District Judge, on April 10, 2007, to the custody of the Bureau of Prisons for a term of 96 months. It was further ordered that upon release from imprisonment the defendant be placed on supervised release for 60 months under the standard conditions adopted by the court and the following additional conditions:

1. The defendant shall participate as directed in a program approved by the probation office for the treatment of narcotic addiction, drug dependency, or alcohol dependency which will include urinalysis testing or other drug detection measures and may require residence or participation in a residential treatment facility.
2. The defendant shall participate in a program of mental health treatment, as directed by the probation office.
3. The defendant shall consent to a warrantless search by a United States Probation Officer or, at the request of the probation officer, any other law enforcement officer, of the defendant's person and premises, including any vehicle, to determine compliance with the conditions of this judgment.
4. The defendant shall participate in a vocational training program as may be directed by the probation office.
5. The defendant shall cooperate in the collection of DNA as directed by the probation officer.

On December 23, 2008, pursuant to 18 U.S.C. §3582(c)(2), the imprisonment portion of the defendant's sentence was reduced from 96 months to 77 months.

On February 23, 2012, pursuant to 18 U.S.C. §3582(c)(2), the imprisonment portion of the defendant's sentence was reduced from 77 months to 50 months.

Ronnie Allen Smiling was released from custody on February 28, 2012, at which time the term of supervised release commenced.

On June 4, 2012, the court was notified that the defendant had committed the offenses of No Operator's License and Failing to Stop at a Steady Red Light on May 22, 2012, in Fayetteville, North Carolina. The defendant was verbally reprimanded for these offenses.

RESPECTFULLY PRESENTING PETITION FOR ACTION OF COURT FOR CAUSE AS FOLLOWS: The defendant committed the offenses of Driving While Impaired, Possession of Open Container, and Impeding Traffic by Slow Speed, on September 7, 2012, in Cumberland County, North Carolina. It is recommended that the defendant complete Cognitive Behavioral Therapy classes along with the addition of the alcohol abstinence special condition.

The defendant signed a Waiver of Hearing agreeing to the proposed modification of supervision.

PRAYING THAT THE COURT WILL ORDER that supervised release be modified as follows:

1. The defendant shall abstain from the use of any alcoholic beverages, shall not associate with individuals consuming alcoholic beverages, shall not frequent business establishments whose primary product to the consumer is alcoholic beverages, and shall not use any medication containing alcohol without the permission of the probation office or a prescription from a licensed physician.
2. The defendant shall participate in a cognitive behavioral program as directed by the probation office.

Except as herein modified, the judgment shall remain in full force and effect.

Reviewed and approved,

I declare under penalty of perjury that the foregoing is true and correct.

/s/ Robert L. Thornton
Robert L. Thornton
Supervising U.S. Probation Officer

/s/ Mindy L. Threlkeld
Mindy L. Threlkeld
U.S. Probation Officer
310 Dick Street
Fayetteville, NC 28301-5730
Phone: (910) 483-8613
Executed On: September 18, 2012

ORDER OF COURT

Considered and ordered this 18th day of September, 2012, and ordered filed and made a part of the records in the above case.

James C. Fox
James C. Fox
Senior U.S. District Judge